

THE ALAMANCE GLEANER.

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NO. 44

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MASTER and SLAVE

By T. H. Thorpe.
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"The prohibition of emancipation in the state does not apply to the acquisition of freedom by prescription, as provided by article 3510 of the civil code. This article is not repealed by the statute of 1857. They are not upon the same subject matter. The slave after the prescriptive time must be free, and he becomes subject to the laws relative to free persons of color, for if the master cannot claim him he is free."

"The intention of the heirs of Queyrouse to allow this plaintiff to enjoy his liberty is clearly established. This is sufficient, especially where the contest is with a mere usurper, with one who got possession of the plaintiff under the pretense of affection, of being his godfather and in order to enable him to see his mother. One who could thus act ought not to have the favorable consideration of a court of justice in his attempt to reduce to slavery one over whom he has no right but that of the strong over the weak. He got possession of him under false pretenses and should be allowed to derive no benefit from a possession obtained by treachery and from a control over the plaintiff exercised without permission from his master or heirs."

"In such a contest the technical rules of law ought to be construed with as much rigidity in favor of an against him whose only hope lies in the protection of the courts of the state can afford him."

"I am therefore of the opinion that the judgment must be in favor of the freedom of the plaintiff against the defendant, and it is so ordered, adjudged and decreed."

Those nearest Oakfell shook his hand warmly. Pratie held a handkerchief over his eyes, and his eyes were nearly blind. Quillebert all but fainted at the mouth and gazed viciously, murderously, at his adversary. During the delivery of the judgment 12 of the sheriff's deputies, whom every one knew to be heavily armed, though their weapons were not exposed, took positions in the crowded aisle. When the last words of the decree fell from the judge's lips, 300 men, maddened with excitement, leaped to their feet.

"The judge arose and in a voice which arrested the movements of all said: 'My friends, I am not unaware of the extraordinary feeling that has been engendered by this suit. But there must be no violent manifestation. All must

therefore, mademoiselle, could not appreciate. It follows that they would not be proper judges of the appropriateness of any speech or communication between you and me on the subject. As for me, the result would have been maimed without your expressions of satisfaction. They were the rewards for which I labored."

Estelle lowered her head and held silence lest she should be betrayed by her agitation and her adoration of this man. She felt sorely the loss of a mother's training, which so effectually habituates the creole girl to still the maidenly sentiments.

"My brother has not seemed to join in the general rejoicings of my friends," Oakfell remarked, to the great relief of the embarrassed girl. "But he is also somewhat of a recluse, a poet and dreamer, who loves to view men and their affairs from a height. Of late I have feared his health was impaired and have suggested to him to spend the coming summer in the mountains of Virginia. He does not take to the idea, however, and expresses a reluctance to go away from the plantation."

"I, too, have noticed his changed appearance and manner. Formerly he came often to our house; now I seldom see him, and then he appears almost unfriendly. Maybe he is in love, or maybe he has offended him," Estelle suggested.

"Not the latter, I am certain," said Oakfell, "and I do not think the former, but if such should be the case I wonder who can be the happy deities?"

"I could not guess," replied Estelle, "but I do know one who ardently admires him."

"Who is she?"

"Laure Lunan. She was very jealous of the friendly visits M. Evariste formerly paid to me. Alas, she has no cause for jealousy now."

"Do you regret it?" asked Oakfell, alarmed.

"Regret what?" Estelle looked up, surprised.

"That the Gascon girl has no cause for jealousy of you concerning Evariste."

"I regret that he visits me so seldom, but not the other," Estelle, with womanly instinct, perceived that the sting of jealousy had momentarily thrown Oakfell off his guard, and she rejoiced in this as the beginning of proof that she loved her. "But why do you call Laure a spy?" she queried.

"I should not have done so," Oakfell admitted, "but suppose the thought rose from her black and brown style of beauty and her connection with the unchancey fame of the doctress, to whose trade and its good will she doubtless will succeed as forced heir of her grandmother."

"Not Laure," laughed Estelle. "Religion suits too lightly on her. The doctress must be duly religious. You must not speak irreverently of the doctress, Mother Deshautes, for she is kind to the poor and suffering and has given relief to those who could not buy it from the doctors."

"I speak irreverently of nothing that is honestly meant, however mistaken it be, and upon your avouching will respect the doctress in the future more than I have done in the past." Oakfell concluded he could not safely discuss the peculiar powers attributable to the old woman but was loath to let her abandon the granddaughters as a topic and added: "Laure was decidedly a campaigner against us in the suit. I wonder why she felt so interested."

"There is a strange sympathy between her and M. Quillebert. I have heard my grandfather say, and M. Quillebert has sure control over the persons whom he takes into friendship. I dread his influence over my poor grandfather and daily pray God to destroy it. He is a wicked man, whose smile is as dangerous as his frown."

"Should the supreme court sustain the judgment in Leon's case I will quit this parish," Oakfell said, "and then your grandfather will be released from the hurtful intimacy."

"If the supreme court sustains the judgment," Estelle exclaimed. "Can you doubt it, Mr. Oakfell?"

"Let us not speak ill of the absent, but talk of other things. Be prepared for unwelcome news from the city later on. Quillebert will lose the suit."

"Why do you say that?"

"Because I heard the arguments in the supreme court and thought I observed their effect upon the judges and the assembled lawyers. The whole matter is exceedingly distasteful to me, as you know; still I could not well decline my brother's invitation to be present at the trial of the appeal. Evariste made a learned and forcible effort for Quillebert, quoting authorities and drawing deductions which appeared absolutely unanswerable. But Horace, with an ease at which I marveled, met every proposition, and his irresistible logic picked it into shreds. He exposed the sophistries of Evariste's contention and flung them aside. With childlike simplicity of language he made Leon's case so plain that every layman understood the principles on which it rested as thoroughly as did the most learned lawyer, and with the eloquence that comes of unaffected earnestness he held up the justice and equity supporting the decision of Judge Tailleux. He appeared to carry every man within hearing of his voice, and when he concluded it seemed that all doubts of the righteousness of his case had been demolished. His persuasion being theatrical in fact, as well as they call a prose poem. I was as much amazed as any of his hearers could have been. I cannot divine when and where he got all the wealth and variety of learning he displayed in that address."

Laure was interested, but not pleased, by Evariste's glowing account of his brother's brilliant and masterly oratory.

"Where is M. Horace?" she asked. "He came up to the boat with you?"

"No, why?"

"Oh, nothing. I only supposed he had returned with you and stopped at Estelle's. That is what he will do when he does come back."

"Laura, why do you persist in such allusions. You surely know full well how they wound me."

"Of course I do. But it is not to wound you. No; it is to make you see who they are that care nothing for your happiness. That girl is as indifferent to you as the pearl whose beauty she vainly affects. She reaches for fortune; you have none. She aspires to American ladyship; you are a creole. Stay with your kind, my friend. It will pay you best in the long run."

This speech was a whip cut to Evariste's spirit, and words of chagrin and anger rose to his lips. Yet he forced them back and, consummate actor that he was, gave no sign of his suffering.

"You have not told me where your brother is," Laure said, frowning the creole lovingly.

"I left him at New Orleans talking politics. One hears nothing else there now. The supporters of Breckinridge encourage Horace to run for congress, and he is quite willing to do so, though he tells me he is opposed to the extension of slavery. They regard the race as being entirely between Mr. Breckinridge and Mr. Douglas. Lincoln's candidacy is laughed at."

"If the lawsuit should be decided against M. Horace, he will be bitterly opposed in this parish," Laure observed.

"That is a very big if," Evariste replied.

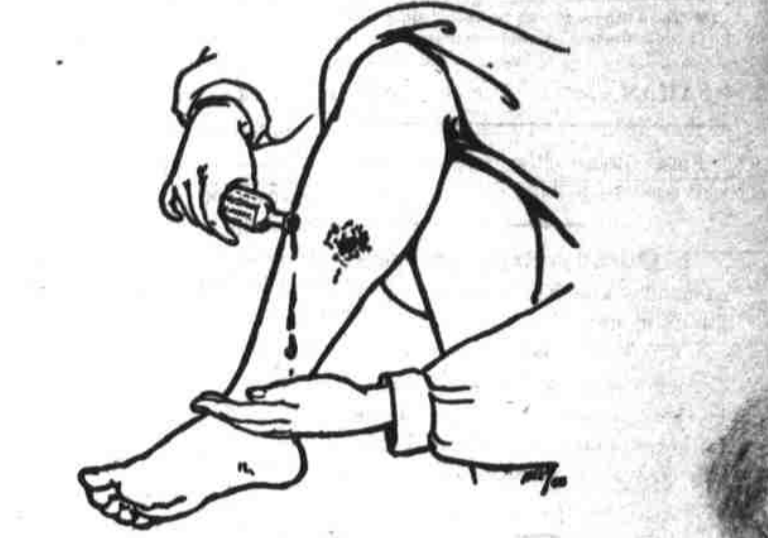
"And if Lincoln should win a great many plans will be upset. I know nothing of politics, but they say these things on the highlands." Laure smiled apologetically.

"You must make that 'if' still larger, Laura. The great heads in the city will hardly admit that Lincoln is running."

"I have heard my grandfather say there were just two smart men in this parish—Baldoune and Quillebert—congratulated as if from God, the other as if by the devil."

"Well?" queried Evariste.

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SATURDAY, DEC. 21, 1901,

the following real estate in Alamance county, to-wit: The lands of Bill Smith, Front Street, Greensboro, N. C., containing 1/2 acre, more or less, bounded by the lands of J. B. Smith, on the north, by the lands of J. B. Smith, on the east, by the lands of J. B. Smith, on the south, and by the lands of J. B. Smith, on the west, and also the lands of J. B. Smith, on the north, by the lands of J. B. Smith, on the east, by the lands of J. B. Smith, on the south, and by the lands of J. B. Smith, on the west, and also the lands of J. B. Smith, on the north, by the lands of J. B. Smith, on the east, by the lands of J. B. Smith, on the south, and by the lands of J. B. Smith, on the west.

W. F. BRYAN, JR., Attorney-at-Law, GREENSBORO, N. C.

Practice regularly in the courts of Alamance county. Aug. 5, 1901.

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